2

USDC SDNY DOCUMENT

FI ECTRONICALLY FILED

DOC #

DATE FILED: 1/28/08

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

IN RE LOWER MANHATTAN DISASTER SITE LITIGATION

THIS DOCUMENT APPLIES TO ALL LOWER MANHATTAN DISASTER SITE LITIGATION 21 MC 102 (AKH)

STIPULATION OF DISCONTINUANCE AND COURT ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the parties to the actions listed in "Schedule A" attached hereto, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above-entitled actions be, and the same hereby are discontinued without prejudice as against THE BANK OF NEW YORK MELLON CORPORATION, As Successor To THE BANK OF NEW YORK COMPANY, INC., THE BANK OF NEW YORK, ONE WALL STREET HOLDINGS LLC, 4101 AUSTIN BLVD CORPORATION and THE BANK OF NEW YORK TRUST COMPANY, N.A., and as to the 130 Liberty Street locations only, without costs to either party as against the other.

IT IS FURTHER STIPULATED AND AGREED, that should evidence be discovered throughout the course of the litigation which determines that THE BANK OF NEW YORK MELLON CORPORATION, As Successor To THE BANK OF NEW YORK COMPANY, INC., THE BANK OF NEW YORK, ONE WALL STREET HOLDINGS LLC, 4101 AUSTIN BLVD CORPORATION and THE BANK OF NEW YORK TRUST COMPANY, N.A., is a proper party to these suits, plaintiff may reinstitute these actions without regards to the applicable statute of limitations as a defense.

This stipulation may be filed without further notice with the Clerk of the Court.

Dated: New York, New York
December 14, 2007

SEGAL McCAMBRIDGE SINGER & MAHONEY, LTD.
Attorneys for The Bank of New York Mellon Corporation, as Successor to The Bank of New York Company, Inc., The Bank of New York, One Wall Street Holdings LLC 4101 Austin Blvd. Corporation, The Bank of New York

Trust Company, N.A.

By: Christian H. Gannon (CG-1621) 830 Third Avenue, Suite 400 New York, New York 10022 (212) 651-1500 WORBY GRONER EDELMAN & NAPOLI BERN
Attorneys for Plaintiff

By: Christopher R. Lopalo, Esq. (CL-6466) 115 Broadway, 12th Floor: New York, New York 10006

(212) 267-3700

SO ORDERED:

HOM. ALVIN K. HELLERSTEIN

## SCHEDULE A

STIPULATION AND ORDER OF DISMISSAL RELATED TO 130 LIBERTY STREET COMPLAINTS FOR THE FOLLOWING PLAINTIFFS:

|     | Plaintiff Name            | Index #<br>All (AKH) |
|-----|---------------------------|----------------------|
| 1   | Acosta, Byron             | 07CV1552             |
| 2   | Adriano, Luis             | 07CV4445             |
| 3   | Agudelo, Gladys           | 07CV4446             |
| 4   |                           | 07CV01554            |
| 5   | Allivar, Raul             | 05CV9821             |
| . 6 | Alvarez, Maria            | 05CV10135            |
| . 7 | Alvarracin, Jose          | 07CV01556            |
| 8   | Asencio, Ivan             | 07CV,1460            |
| 9   | Atencia, Marcelo          | 07CV01562            |
| 10  | Bailon, Peter B.          | 07CV05336            |
| 11  | Barahona, Jose            | 07CV5550             |
| 12  | Betancourt, Hector        | 07CV4453             |
| 13  | Burgos, Leopoldo          | 07CV1473             |
| 14  | Caguana, Manuel           | 06CV11968            |
| 15  | Calero, Ivan              | 07CV1575             |
| 16  | Calle, Wilson             | 07CV01578            |
| 17  | Campoverde, Rey R.        | 07CV05280            |
| 18  | Campozano, Rodrigo        | 07CV4459             |
| 19  | Cardenas, Edison          | 07CV1580             |
| 20  | Castillo, Silvia          | 05CV1718             |
| 21  | Chuva, Nancy              | 07CV01589            |
| 22  | Cintron, Yolanda          | 06CV5631             |
| 23  |                           | 07CV05394            |
| 24  | Criollo, Nancy            | 07CV4462             |
| 25  | Dota, Clara               | 07CV01602            |
| 26  | Drake, Jesse              | 07CV05353            |
| 27  | Duarte, Inerva            | 07CV01603            |
| 28  | Dutan, Elvia and Wilfredo | 07CV1606             |
| 29  | Encalada, Jorge           | 07CV1607             |
| 30  | Franco, Luis              | 07CV4466             |

| 31   | Frelas, Janina     | 07CV01612 |
|------|--------------------|-----------|
| 32   | Gallardo, Norberto | 07CV05290 |
| 33   | Garcia, Viviana    | 07CV1617  |
| 34   | Gaspar, Peter      | 05CV10739 |
| 35   | Giamo, Samuel T.   | 06CV11676 |
| 36   | Giraldo, Hitien E. | 07CV5554  |
| 37   | Gualpa, Rosa       | 07CV4472  |
| 38   | Guzman, Armando    | 07CV5556  |
| . 39 | Hernando, Avenia   | 07CV4473  |
| 40   | Hurtado, Julio     | 07CV05295 |
| 41   | Idrovo, Edgar      | 07CV1627  |
| 42   | Idrovo, Manuel     | 07CV01628 |
| 43   | Inga, Jorge        | 07CV01629 |
| 44   | Jablonski, Jozef   | 07CV01630 |
| 45   | Jaramillo, Jonas   | 06CV14746 |
| 46   | Karus, Marian      | 07CV01635 |
| 47   | Lascano, Ana       | 05CV9333  |
| 48   | Lasica, Andrezej   | 07CV4480  |
| 49   | Lenis, Carlos      | 06CV10045 |
| 50   | Leon, Cesar        | 07CV063   |
| 51   | Leon, Ines         | 07CV4481  |
| 52   | Loja, Wilmo        | 07CV4482  |
| 53   | Lucero, Fernando   | 07CV05366 |
| 54   | Medina, Rosa       | 07CV4491  |
| 55   | Melendez, Maria    | 07CV05397 |
| 56   | Mendez, Juan       | 07CV01664 |
| 57   | Merchan, Carlos    | 07CV01665 |
| 58   | Mora, Eugenio      | 06CV13168 |
| 59   | Morales, Tatiana   | 07CV05370 |
| 60   | Moreno, Sandra     | 07CV1670  |
| 61   | Naranjo, Luis      | 07CV00082 |
| 62   | Naranjo, Walter    | 07CV04496 |
| 63   | Negrete, Oscar     | 07CV05371 |
| 64   | O'Connell, Sean    | 07CV05374 |
| 65   | Palaguachi, Rosa   | 07CV1680  |
| 66   | Reynolds, David    | 07CV3446  |
| 67   | Rhoden, Marcel     | 07CV05311 |
| 68   | Riera, Maximo      | 07CV1519  |
| 69   | Rodas, Patricio    | 07CV01694 |

|    | Rojas, Jaime                 | 07CV4511  |
|----|------------------------------|-----------|
| 70 | <del></del>                  |           |
| 71 | Salazar, Victor              | 07CV4512  |
| 72 | Sanchez, Edilberto           | 07CV05384 |
| 73 | Sanchez, Rosa                | 06CV12488 |
| 74 | Santamaria, Emanuel          | 07CV1528  |
| 75 | Sarmiento, Edwin             | 07CV4515  |
| 76 | Sarmiento, Galo              | 07CV1529  |
| 77 | Serrano, Theresa             | 05CV8937  |
| 78 | Siguencia, Raul              | 07CV1533  |
| 79 | Suarez, Felipe               | 07CV1707  |
| 80 | Samuel Sumba                 | 07CV1710  |
| 81 | Teham, Nicholas              | 07CV5564  |
| 82 | Tenezaca, Julia              | 07CV1714  |
| 83 | Teran, Cesareo               | 07CV05389 |
| 84 | Thorpe, Jeanne               | 07CV1715  |
| 85 | Vasquez, Rommel              | 07CV1543  |
| 86 | Vazquez, Kattia              | 07CV1722  |
| 87 | Vega, Severo                 | 07CV4521  |
| 88 | Villarroel, Segundo          | 07CV1546  |
| 89 | Villarruel, Kleber (Paredes) | 06CV13703 |
| 90 | Walsh, Kevin                 | 06CV12608 |
| 91 | Waniurski, Robert            | 07CV4525  |
| 92 | Watson, Ancil                | 07CV05391 |
| 93 | Wragg, Clarence              | 06CV8125  |